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AUG 26 2005

In re Application of:  
David R. Ohm  
Serial No.: 10/087,878  
Filed: November 7, 2001  
For: MONITORING A SEMICONDUCTOR LASER  
UTILIZING AN INCORPORATED BEAM  
SPLITTER DEVICE

DECISION ON PETITION  
TO WITHDRAW HOLDING  
OF ABANDONMENT

This is a decision on the petition filed March 3, 2004, to withdraw the holding of abandonment in the above-identified application under 37 CFR § 1.181. No petition fee is required.

The petition is **GRANTED**.

The application was held abandoned for failure to timely file a response to the non-final Office action of October 3, 2003. A Notice of Abandonment was mailed on April 13, 2004.

Petitioner asserts that the non-final Office action mailed October 3, 2004, was not received. To support this assertion, petitioner asserts that a search of the file jacket and docket records indicates that the Office action was not received. Also included is a copy of the docket record where the Office action would have been entered had it been received. It is also asserted that the Office action was not mailed to petitioner's address, former or current, but to an address that was not associated to the instant application.

A review of the written record indicates that the non-final Office action mailed October 3, 2004, was mailed to an address that was different from the address of record. There is no apparent reason why the address of record on filing was changed to the address where the non-final Office action was mailed. It is evident that the non-final Office action was mailed to an incorrect address. As such, the applicant was not duly served notice that a reply to an Office action was due.

For the above stated reasons, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. Inconvenience to the applicant is regretted.

The non-final Office action of October 3, 2004 will be remailed. The shortened statutory period for response will be reset to run from the date the action is remailed. Extensions of time are available under 37 C.F.R. § 1.136(a).

Inquiries regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (703) 308-0519.

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